

mendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;

(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;

(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code.

[(b) Repealed. Pub. L. 97-375, title I, §109(a), Dec. 21, 1982, 96 Stat. 1820.]

(c) Each recipient of assistance under this chapter shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

(Added Pub. L. 93-415, title V, §521, Sept. 7, 1974, 88 Stat. 1140; amended Pub. L. 97-375, title I, §109(a), Dec. 21, 1982, 96 Stat. 1820; Pub. L. 101-647, title XXXV, §3599F, Nov. 29, 1990, 104 Stat. 4932.)

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-647 substituted “this chapter shall” for “this shall”.

1982—Subsec. (b). Pub. L. 97-375 struck out subsec. (b) which directed the Institute to submit an annual report to the President and Congress, including a comprehensive and detailed report of the Institute's operations,

activities, financial condition and accomplishments under this title, and which might include such recommendations related to corrections as the Institute deemed appropriate.

INCLUSION OF NATIONAL INSTITUTE OF CORRECTIONS IN FEDERAL PRISON SYSTEM SALARIES AND EXPENSES BUDGET

Pub. L. 104-208, div. A, title I, §101(a), [title I], Sept. 30, 1996, 110 Stat. 3009, 3009-11, provided in part: “That the National Institute of Corrections hereafter shall be included in the FPS Salaries and Expenses budget, in the Contract Confinement program and shall continue to perform its current functions under 18 U.S.C. 4351, et seq., with the exception of its grant program and shall collect reimbursement for services whenever possible”.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

NATIONAL TRAINING CENTER FOR PRISON DRUG REHABILITATION PROGRAM PERSONNEL

Pub. L. 100-690, title VI, §6292, Nov. 18, 1988, 102 Stat. 4369, provided that:

“(a) IN GENERAL.—The Director of the National Institute of Corrections, in consultation with persons with expertise in the field of community-based drug rehabilitation, shall establish and operate, at any suitable location, a national training center (hereinafter in this section referred to as the ‘center’) for training Federal, State, and local prison or jail officials to conduct drug rehabilitation programs for criminals convicted of drug-related crimes and for drug-dependent criminals. Programs conducted at the center shall include training for correctional officers, administrative staff, and correctional mental health professionals (including subcontracting agency personnel).

“(b) DESIGN AND CONSTRUCTION OF FACILITIES.—The Director of the National Institute of Corrections shall design and construct facilities for the center.

“(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated with respect to the National Institute of Corrections, there are authorized to be appropriated to the Director of the National Institute of Corrections—

“(1) for establishment and operation of the center, for curriculum development for the center, and for salaries and expenses of personnel at the center, not more than \$4,000,000 for each of fiscal years 1989, 1990, and 1991; and

“(2) for design and construction of facilities for the center, not more than \$10,000,000 for fiscal years 1989, 1990, and 1991.”

§ 4353. Authorization of appropriations¹

There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter.

(Added Pub. L. 93-415, title V, §521, Sept. 7, 1974, 88 Stat. 1141.)

PART IV—CORRECTION OF YOUTHFUL OFFENDERS

Chap.		Sec.
401.	General provisions	5001
402.	Repealed	
403.	Juvenile delinquency	5031

¹ Section catchline editorially supplied.

Chap.

AMENDMENTS

Sec.

Changes were made in phraseology and surplusage eliminated.

1984—Pub. L. 98-473, title II, §218(g), Oct. 12, 1984, 98 Stat. 2027, in item for chapter 402 substituted “Repealed” for “Federal Youth Corrections Act”.

1950—Act Sept. 30, 1950, ch. 1115, §5(a), 64 Stat. 1090, added item for chapter 402.

CHAPTER 401—GENERAL PROVISIONS

Sec.

5001. Surrender to State authorities; expenses.

[5002. Repealed.]

5003. Custody of State offenders.

AMENDMENTS

1996—Pub. L. 104-134, title I, §101[(a)] [title VI, §614(a)(2)], Apr. 26, 1996, 110 Stat. 1321, 1321-65; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, struck out item 5002 “Advisory Corrections Council”.

1952—Act May 9, 1952, ch. 253, §2, 66 Stat. 68, added item 5003.

1950—Act Sept. 30, 1950, ch. 1115, §5(b), 64 Stat. 1090, added item 5002.

§ 5001. Surrender to State authorities; expenses

Whenever any person under twenty-one years of age has been arrested, charged with the commission of an offense punishable in any court of the United States or of the District of Columbia, and, after investigation by the Department of Justice, it appears that such person has committed an offense or is a delinquent under the laws of any State or of the District of Columbia which can and will assume jurisdiction over such juvenile and will take him into custody and deal with him according to the laws of such State or of the District of Columbia, and that it will be to the best interest of the United States and of the juvenile offender, the United States attorney of the district in which such person has been arrested may forego his prosecution and surrender him as herein provided, unless such surrender is precluded under section 5032 of this title.

The United States marshal of such district upon written order of the United States attorney shall convey such person to such State or the District of Columbia, or, if already therein, to any other part thereof and deliver him into the custody of the proper authority thereof.

Before any person is conveyed from one State to another or from or to the District of Columbia under this section, he shall signify his willingness to be so returned, or there shall be presented to the United States attorney a demand from the executive authority of such State or the District of Columbia, to which the prisoner is to be returned, supported by indictment or affidavit as prescribed by section 3182 of this title.

The expense incident to the transportation of any such person, as herein authorized, shall be paid from the appropriation “Salaries, Fees, and Expenses, United States Marshals.”

(June 25, 1948, ch. 645, 62 Stat. 857; Pub. L. 100-690, title VI, §6467(b), Nov. 18, 1988, 102 Stat. 4376.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §662a (June 11, 1932, ch. 243, 47 Stat. 301).

Language preceding “Whenever” was omitted as unnecessary, and “the District of Columbia” was inserted after “State”.

AMENDMENTS

1988—Pub. L. 100-690 inserted “, unless such surrender is precluded under section 5032 of this title” before period at end of first par.

CROSS REFERENCES

Fugitives from State or Territory to State, District or Territory, see section 3182 of this title.

[§ 5002. Repealed. Pub. L. 104-134, title I, § 101[(a)] [title VI, § 614(a)(1)], Apr. 26, 1996, 110 Stat. 1321, 1321-65; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327]

Section, added act Sept. 30, 1950, ch. 1115, §4, 64 Stat. 1090; amended Oct. 12, 1984, Pub. L. 98-473, title II, §223(p), 98 Stat. 2030, provided for creation of Advisory Corrections Council.

EFFECTIVE DATE OF REPEAL

Section 101[(a)] [title VI, §614(b)] of Pub. L. 104-134 provided that: “This section [repealing this section] shall take effect 30 days after the date of the enactment of this Act [Apr. 26, 1996].”

§ 5003. Custody of State offenders

(a)(1) The Director of the Bureau of Prisons when proper and adequate facilities and personnel are available may contract with proper officials of a State or territory, for the custody, care, subsistence, education, treatment, and training of persons convicted of criminal offenses in the courts of such State or territory.

(2) Any such contract shall provide—

(A) for reimbursing the United States in full for all costs or expenses involved;

(B) for receiving in exchange persons convicted of criminal offenses in the courts of the United States, to serve their sentence in appropriate institutions or facilities of the State or territory by designation as provided in section 4082(b)¹ of this title, this exchange to be made according to formulas or conditions which may be negotiated in the contract; or

(C) for compensating the United States by means of a combination of monetary payment and of receipt of persons convicted of criminal offenses in the courts of the United States, according to formulas or conditions which may be negotiated in the contract.

(3) No such contract shall provide for the receipt of more State or territory prisoners by the United States than are transferred to that State or territory by such contract.

(b) Funds received under such contract may be deposited in the Treasury to the credit of the appropriation or appropriations from which the payments for such service were originally made.

(c) Unless otherwise specifically provided in the contract, a person committed to the Attorney General hereunder shall be subject to all the provisions of law and regulations applicable to persons committed for violations of laws of the United States not inconsistent with the sentence imposed.

(d) The term “State” as used in this section includes any State, territory, or possession of the United States, and the Canal Zone.

¹ See References in Text note below.